

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #04	CCRB Case #: 202000469	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/04/2020 3:50 AM	Location of Incident: West 158th Street and Henry Hudson Parkway 33rd Precinct Stationhouse	18 Mo. SOL 2/18/2022	Precinct: 33		
Date/Time CV Reported Sat, 01/04/2020 4:01 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/17/2020 11:10 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Erik Cordova	10041	956548	033 PCT
2. POM Ryan Felter	01002	953851	033 PCT
3. POM Sean Holton	27883	954943	033 PCT
4. SGT Alberto Pizarro	04293	934070	033 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Stefano Osso	30066	967237	033 PCT
2. POM David Negron	04035	939108	033 PCT
3. POM Matthew Prieto	24624	967267	033 PCT
4. POM Sacko Hadzovic	23446	962458	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Alberto Pizarro	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro stopped the vehicle in which § 87(2)(b) was an occupant.	
B . POM Ryan Felter	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Ryan Felter stopped the vehicle in which § 87(2)(b) was an occupant.	
C . POM Erik Cordova	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Erik Cordova stopped the vehicle in which § 87(2)(b) was an occupant.	
D . POM Sean Holton	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Sean Holton stopped the vehicle in which § 87(2)(b) was an occupant.	
E . SGT Alberto Pizarro	Force: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro pointed his gun at § 87(2)(b)	
F . SGT Alberto Pizarro	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro threatened to damage § 87(2)(b) property.	
G . POM Ryan Felter	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Ryan Felter threatened to damage § 87(2)(b) property.	

Officer(s)	Allegation	Investigator Recommendation
H . SGT Alberto Pizarro	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro threatened to arrest § 87(2)(b)	
I . SGT Alberto Pizarro	Force: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro used physical force against § 87(2)(b)	
J . SGT Alberto Pizarro	Discourtesy: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro spoke discourteously to § 87(2)(b)	
K . SGT Alberto Pizarro	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro searched the vehicle in which § 87(2)(b) was an occupant.	
L . POM Erik Cordova	Abuse: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Erik Cordova searched the vehicle in which § 87(2)(b) was an occupant.	
M . POM Ryan Felter	Force: At the 33rd Precinct stationhouse, Police Officer Ryan Felter used physical force against § 87(2)(b)	
N . POM Erik Cordova	Discourtesy: At the 33rd Precinct stationhouse, Police Officer Erik Cordova spoke discourteously to § 87(2)(b)	
O . POM Erik Cordova	Force: At the 33rd Precinct stationhouse, Police Officer Erik Cordova used physical force against § 87(2)(b)	

Case Summary

On January 4, 2020, § 87(2)(b) called the IAB Command Center and filed this complaint via IAB Log# § 87(2)(b). The CCRB received this complaint on January 17, 2020.

On January 4, 2020, at 3:30 AM, § 87(2)(b) was driving his black Mercedes Benz sedan and was pulled over by Sergeant Alberto Pizarro, Police Officer Ryan Felter, Police Officer Erik Cordova, and Police Officer Sean Holton all of the 33rd precinct, at West 158th Street and Henry Hudson Parkway in Manhattan (**Allegations A - D – Abuse of Authority – § 87(2)(g)**). All the officers exited their vehicle and approached § 87(2)(b) vehicle. Sgt. Pizarro pointed his gun at § 87(2)(b) through the window (**Allegation E – Force – § 87(2)(g)**). Sgt. Pizarro and PO Felter threatened to break § 87(2)(b) car window (**Allegations F and G – Abuse of Authority – § 87(2)(g)**). Sgt. Pizarro threatened to arrest § 87(2)(b) (**Allegation H – Abuse of Authority – § 87(2)(g)**). Sgt. Pizarro allegedly pulled § 87(2)(b) out of his vehicle, spoke discourteously to him, and pushed him (**Allegations I – Force – § 87(2)(g)**) (**Allegations J – Discourtesy – § 87(2)(g)**). Sgt. Pizarro and PO Cordova searched § 87(2)(b) car (**Allegations K and L – Abuse of Authority – § 87(2)(g)**). § 87(2)(b) was arrested and transported to the 33rd Precinct stationhouse.

At the stationhouse PO Felter bent § 87(2)(b) arm and allegedly pushed him (**Allegation M – Force – § 87(2)(g)**). PO Cordova spoke discourteously to § 87(2)(b) (**Allegation N – Discourtesy – § 87(2)(g)**). PO Cordova allegedly pushed § 87(2)(b) to the ground (**Allegation O – Force – § 87(2)(g)**). § 87(2)(b) was placed in a cell and later released from the stationhouse. § 87(2)(b) was arrested as a result of this incident and was released with a summons for running a red light and for failing to comply with a lawful order (BR 09).

The CCRB received eight Body Worn Camera (BWC) videos (IA 45-52) of the incident at West 158th Street and Henry Hudson Parkway and four BWC videos (IA 53-56) of the incident at the 33rd Precinct stationhouse.

This case was originally assigned to Investigator John Guzman and was reassigned to Investigator Edward Tsigel upon Investigator Guzman's departure from the CCRB.

Findings and Recommendations

Allegation (A) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Ryan Felter stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Erik Cordova stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Sean Holton stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Sgt. Pizarro, PO Felter, PO Cordova, and PO Holton stopped § 87(2)(b) in his vehicle at West 158th Street and Henry Hudson Parkway in Manhattan.

§ 87(2)(b) (BR 01) stated that he was driving on West 158th Street when an unmarked sedan began to follow him. Once he reached West 158th Street and Henry Hudson Parkway the unmarked sedan turned on its lights and sirens and immediately cut in front of his car and stopped. He stated that he did not commit any vehicle traffic infractions prior to being pulled over by the officers.

PO Sean Holton was not interviewed because the investigation was able to make a determination without a statement from him.

Sgt. Pizarro (BR 02), PO Felter (BR 03), and PO Cordova (BR 04) all stated that § 87(2)(b) ran a red light and was traveling at a high rate of speed but could not say the exact speed. § 87(2)(b)

refused to stop his vehicle for approximately two blocks and 30 seconds when the officers initiated the car stop with lights and sirens. The officers cut in front of § 87(2)(b) vehicle to stop his vehicle.

BWC footage from Sgt. Pizarro, PO Felter, PO Cordova, and PO Holton (BR 05-08) does not capture § 87(2)(b) driving prior to the vehicle stop. From 3:50 to 4:00 of Sgt. Pizarro's BWC video (BR 05), the unmarked sedan can be seen positioned in front of § 87(2)(b) vehicle at an angle which blocks § 87(2)(b) vehicle.

PO Felter issued § 87(2)(b) a summons for running a red light (BR 09).

NYS VTL § 1111 (BR 10) states that vehicle must stop at a steady red light and remain stopped until the red light is no longer steady.

NYC DOT Traffic Rules Section 4-06 (BR 11) states that no person shall drive a vehicle at a speed greater than twenty-five miles per hour except where official signs indicate a different maximum speed limit.

§ 87(2)(g)

Allegation (E) Force: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro pointed his gun at § 87(2)(b)

Once Sgt. Pizarro (BR 02), PO Felter (BR 03), and PO Cordova (BR 04), and PO Holton stopped § 87(2)(b) vehicle, they all exited their vehicle and approached § 87(2)(b) (BR 01). As Sgt. Pizarro approached § 87(2)(b) he drew his gun and pointed it at § 87(2)(b) through his car window.

From 0:10 to 0:30 of Sgt. Pizarro's BWC video (BR 05), Sgt. Pizarro is seen exiting his vehicle after the car stop, drawing his gun, and pointing the gun at § 87(2)(b) 0:10 to 0:25 of PO Cordova's BWC video 1/3 (BR 07) provides a different angle of Sgt. Pizarro drawing and pointing his gun at § 87(2)(b) is seen in his vehicle with his hands down and not visible. At exactly 0:22, Sgt. Pizarro points his gun at § 87(2)(b) then shows his hands and places them on the steering wheel. Sgt. Pizarro then immediately holsters his gun. Neither Sgt. Pizarro's nor PO Cordova's BWC footage capture audio for the first 30 seconds and the initial conversation between the officers and § 87(2)(b) cannot be heard. The footage shows that it was dark, and it was raining at the time of the incident.

Sgt. Pizarro (BR 02) stated that he drew his gun upon approaching § 87(2)(b) because he feared for his and the other officers' safety due to § 87(2)(b) traveling at a high rate of speed, running a red light, and not stopping when the lights and sirens were turned on to initiate the vehicle stop. He suspected that § 87(2)(b) was fleeing from the officers because he did not immediately stop. He instructed § 87(2)(b) to open his window and show his hands. He then pointed his gun at § 87(2)(b) because he did not see § 87(2)(b) hands and because he did not open the window. Sgt. Pizarro did not see § 87(2)(b) have any weapons nor did he have any reason to believe that § 87(2)(b) had any weapons in the vehicle, but he stated that § 87(2)(b) could have been reaching for a weapon when his hands were not seen. Sgt. Pizarro did not see § 87(2)(b) making any sudden movements while his hands were unseen or reaching for anything specific. § 87(2)(b) then placed his hands on the steering wheel and Sgt. Pizarro immediately holstered his gun.

People v. Finlayson 76 A.D. 2d 670 (BR 12) states that when an officer reasonably believes that an individual is armed or otherwise dangerous to the officer or others, they are allowed to frisk the individual. When a frisk is not feasible, the officer is justified in approaching the individual with their firearm drawn or at the ready. It further states that if an officer draws their firearm against an individual suspected of a petty offense, the intensity of the confrontation, in the absence of independent indication of danger, would be raised to a level well beyond that which could be reasonably related to the surrounding circumstances.

NYPD Patrol Guide Procedure 221-01 (BR 13) states that the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is

imminently present.

Sgt. Pizarro drew his gun during the initial vehicle stop because of the vehicle traffic infractions that § 87(2)(b) allegedly committed immediately prior. As mentioned in allegations A-D, the investigation could not determine if these violations were committed by § 87(2)(b). However, even if these violations were committed, the situation would not escalate to a level in which Sgt. Pizarro would have sufficient reason to believe that he or the other officers at the scene were in danger of serious physical injury.

Additionally, Sgt. Pizarro pointed his gun at § 87(2)(b) because he did not see § 87(2)(b) hands and because he refused to open his window. Sgt. Pizarro stated that he did not see anything in § 87(2)(b) hands, did not see § 87(2)(b) reaching for anything specific, nor did he have any articulable reason to believe that § 87(2)(b) had any weapons in his car. The investigation credits that simply not seeing § 87(2)(b) hands did not escalate the situation to a level in which Sgt. Pizarro would have sufficient reason to believe that he or the other officers at the scene were in danger of serious physical injury. By pointing his gun at § 87(2)(b) Sgt. Pizarro escalated the situation and placed § 87(2)(b) at risk of being seriously injured or killed.

§ 87(2)(g)

Allegation (F) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro threatened to damage § 87(2)(b) property.

Allegation (G) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Ryan Felter threatened to damage § 87(2)(b) property.

Allegation (H) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 01) stated that once the officers approached his vehicle Sgt. Pizarro told him to open his window or he would break it. § 87(2)(b) responded that he did not feel comfortable with plain clothes officers in an unmarked car and requested that uniformed officers be called to the scene before he opened the window or exited his vehicle. § 87(2)(b) then called 911 and explained the situation to the operator and requested a marked unit to the scene.

From 0:30 to 2:15 of Sgt. Pizarro's BWC video (BR 05), Sgt. Pizarro and PO Felter approach the driver side of § 87(2)(b) vehicle and tell § 87(2)(b) to open the door, or they will break his window. § 87(2)(b) opens his window approximately one inch and tells the officers to call their commanding officer to the scene. § 87(2)(b) says that he does not trust the officers because they are not uniformed. Sgt. Pizarro tells § 87(2)(b) that he is the supervisor and if he does not open the door then he will be arrested. Sgt. Pizarro requests a marked unit to the scene and repeatedly tells § 87(2)(b) to open the door. § 87(2)(b) calls 911 on his cell phone and says that he doesn't feel safe. § 87(2)(b) hands are seen in plain view or on the steering wheel at this time. Sgt. Pizarro tells him to wait for the marked unit to arrive at the scene. 0:30 to 2:15 of PO Felter's BWC video 1/3 (BR 06) provides an additional angle of this and is consistent with Sgt. Pizarro's BWC.

Sgt. Pizarro (BR 02) and PO Felter (BR 03) stated that they made the above mentioned threats because § 87(2)(b) was not complying with their orders to open his door and that they would be forced to break his window and place him under arrest if he continued to disobey the orders.

Patrol Guide Procedure 208-01 (BR 14) states that a uniformed member of service may make an arrest for a crime when reasonable cause exists that the arrested person committed the crime. NYPD Patrol Guide 208-01.

Onderdonk v. State, 170 Misc. 2d 155 (1996) (BR 15) ruled that police officers can damage property only if doing so is reasonably necessary to carry out their duties.

When Sgt. Pizarro and PO Felter approached § 87(2)(b) vehicle, they immediately knocked on the window and told § 87(2)(b) to open the door or they would break the window. The officers immediately threatened to use force and break § 87(2)(b) window without attempting to

address the traffic infraction. As mentioned in allegations A-D, the investigation could not determine if § 87(2)(b) committed any vehicle traffic infractions. However, even if § 87(2)(b) committed a vehicle traffic violation, the situation would not immediately escalate to a level in which Sgt. Pizarro or PO Felter would have to break § 87(2)(b) windows in order to address the potential traffic infractions. Seconds later, Sgt. Pizarro threatened to arrest § 87(2)(b) if he did not open the car door. At this moment of the incident, § 87(2)(b) did not commit any crimes and therefore could not have been arrested.

§ 87(2)(g)

Allegation (I) Force: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro used physical force against § 87(2)(b)

Allegation (J) Discourtesy: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro spoke discourteously to § 87(2)(b)

After approximately one minute, a marked unit arrived at the scene. § 87(2)(b) (BR 01) stated that he opened the door to his vehicle and Sgt. Pizarro grabbed him by the left shoulder, pulled him out, and told him to “Get the fuck out of the car.” Sgt. Pizarro then handcuffed him and pushed him to the back of his vehicle.

Sgt. Pizarro (BR 02) stated that once the marked unit arrived at the scene, § 87(2)(b) opened his door and got out of the vehicle of his own will and then Sgt. Pizarro handcuffed him, placed him under arrest and escorted him to the back of the car. Sgt. Pizarro denied that he ever pulled § 87(2)(b) out of the vehicle. He denied that he ever told § 87(2)(b) to “Get the fuck out of the car” or used any other profanities during the incident. He denied that he ever pushed § 87(2)(b) to the back of his car.

PO Felter (BR 02) and PO Cordova (BR 03) stated that they never saw Sgt. Pizarro use any force to place § 87(2)(b) in handcuffs and did not hear him use any profanities throughout the incident.

From 4:00 to 5:00 of Sgt. Pizarro’s BWC video (BR 05), Sgt. Pizarro opens § 87(2)(b) door and § 87(2)(b) gets out of the vehicle of his own will. Sgt. Pizarro immediately turns him around and places him in handcuffs. He then escorts § 87(2)(b) to the back of the vehicle. Sgt. Pizarro does not pull § 87(2)(b) out of the car and does not push § 87(2)(b) to the back of the car. Sgt. Pizarro does not say “Get the fuck out of the car” nor does he use any profanities.

§ 87(2)(g)

Allegation (K) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Sergeant Alberto Pizarro searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (L) Abuse of Authority: At West 158th Street and Henry Hudson Parkway in Manhattan, Police Officer Erik Cordova searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) (BR 01) stated that after he was brought to the back of his vehicle, he saw officers searching his car. The officers did not ask § 87(2)(b) for permission to search his car and explicitly told the officers that he did not give them permission to search his car. He did not see which officer searched his car, or where in the car he searched.

At 4:45 of PO Felter’s BWC video 1/3 (BR 06), Sgt. Pizarro tells PO Felter to search the area

in the car where § 87(2)(b) was reaching. Between 4:50 and 6:40, PO Felter searches the driver seat, the center console, and under the driver seat in § 87(2)(b) car. Between 4:15 and 6:50 of PO Cordova's BWC video 1/3 (BR 07), PO Cordova searches the front and back right passenger seat, and the center console of § 87(2)(b) car. At 4:50, PO Felter tells PO Cordova that Sgt. Pizarro wanted them to search the area that § 87(2)(b) was reaching. PO Cordova began to search the vehicle prior to any instruction from Sgt. Pizarro and prior to PO Felter telling him that Sgt. Pizarro wanted them to search the area that § 87(2)(b) was reaching. Between 5:30 and 6:00 of Sgt. Pizarro's BWC video (BR 05), § 87(2)(b) asks Sgt. Pizarro why the officers are searching his vehicle and that he did not provide permission for them to search it.

Sgt. Pizarro (BR 02) stated that he did not search § 87(2)(b) vehicle but told PO Felter to search the area which § 87(2)(b) was reaching because he heard PO Felter yell that § 87(2)(b) was reaching in that area earlier in the incident. He could not specify which area this was or if he saw anything that § 87(2)(b) was reaching for. PO Felter (BR 03) stated that he searched the reachable area from the driver seat of § 87(2)(b) vehicle because Sgt. Pizarro instructed him to do so. PO Cordova (BR 04) stated that he searched the front passenger seat, back right passenger seat, and center console of § 87(2)(b) car because he saw § 87(2)(b) reaching in those area. He did not receive any instruction from Sgt. Pizarro to search the vehicle.

All the officers stated that they did not have any specific reason to believe that § 87(2)(b) had any weapons, firearms, or any contraband in his vehicle. They did not see § 87(2)(b) holding or reaching for anything that resembled a weapon or firearm. They did not ask for or receive permission from § 87(2)(b) to search his vehicle. PO Felter and PO Cordova did not find any contraband as a result of the vehicle search.

As per People v. Hernandez, 238 A.D.2d 131 (1997), (BR 17) there must be probable cause that a vehicle contains contraband, weapons, or evidence of a crime to justify a warrantless search of the vehicle.

People v. Newman, 96 A.D.3d 34 (2012) (BR 24) states that if officers have ample reason to believe that there is a substantial likelihood that there is a weapon under the seat that poses a specific danger to their safety, then they are only justified in conducting a limited search where they observed the defendant reaching.

Sgt. Pizarro was the supervisor on scene and instructed PO Felter to search § 87(2)(b) vehicle, therefore PO Felter's vehicle search is being pled against Sgt. Pizarro.

Sgt. Pizarro, PO Felter, and PO Cordova all stated that they did not have any evidence that would give them probable cause to believe that § 87(2)(b) had any weapons, firearms, contraband, or evidence of a crime in his vehicle. PO Cordova began to search § 87(2)(b) vehicle without any instruction from Sgt. Pizarro. Once he was made aware that Sgt. Pizarro instructed the officers to search the area's where § 87(2)(b) was reaching, he searched the vehicle beyond the reachable area from the driver seat. They did not obtain permission from § 87(2)(b) to search his vehicle and did not obtain a search warrant to conduct a vehicle search. § 87(2)(g)

Allegation (M) Force: At the 33rd Precinct stationhouse, Police Officer Ryan Felter used physical force against § 87(2)(b)

Once § 87(2)(b) vehicle was searched, he was arrested, placed in a police car, and transported to the 33rd Precinct stationhouse. At the stationhouse § 87(2)(b) was processed for his arrest at the front desk and brought into the cell holding area. § 87(2)(b) (BR 01) stated that in the cell holding area he was pushed to the ground by an officer. An officer then bent his arm and handcuffed him.

PO Felter (BR 03) stated that in the cell holding area he instructed § 87(2)(b) to take off his jewelry and laces and he refused to do so. § 87(2)(b) then tensed his arm and balled up his fists. As a result, PO Felter grabbed § 87(2)(b) right wrist and bent it outward to take off his jewelry and place him in handcuffs. PO Felter denied that he ever pushed § 87(2)(b) in any way or had any other

physical altercation with him.

From 4:10 to 5:25 of PO Cordova's BWC video 2/3 (BR 18), PO Cordova, and PO Felter ask § 87(2)(b) to take off his jewelry and § 87(2)(b) refuses to do so. PO Felter grabs § 87(2)(b) right wrist and pulls it outward. § 87(2)(b) is seen tensing his arm and balling his fist. PO Felter takes off § 87(2)(b) jewelry and then lifts § 87(2)(b) up and places him in handcuffs. 1:20 to 2:25 of PO Felter's BWC video 3/3 (BR 19) is consistent with PO Cordova's BWC and provides another angle.

NYPD Patrol Guide Procedure 221-01 (BR 13) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

§ 87(2)(g)

Allegation (N) Discourtesy: At the 33rd Precinct stationhouse, Police Officer Erik Cordova spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 01) stated that in the cell holding room PO Cordova told him to "Shut the fuck up" and called him an asshole.

From 5:45 to 6:00 of PO Cordova's BWC video 2/3 (BR 18), § 87(2)(b) is heard screaming that PO Felter and PO Cordova are "Fucking [him] up." PO Cordova responds by saying "Nobody is fucking you up bro." At no point throughout any of the available BWC is any officer heard telling § 87(2)(b) to shut the fuck up, calling him an asshole, or using any other profanities.

PO Cordova (BR 04) denied that he ever told § 87(2)(b) to shut the fuck up or called him an asshole. He stated that he said "Nobody is fucking you up" as a response to § 87(2)(b) making a false claim and because he was thinking out loud.

Patrol Guide Procedure 200-02 (BR 16) states that the department is committed to treating every citizen with compassion, courtesy, professionalism, and respect. Officers are expected to maintain a higher standard of integrity than is generally expected of others.

§ 87(2)(g)

Allegation (O) Force: At the 33rd Precinct stationhouse, Police Officer Erik Cordova used physical force against § 87(2)(b)

§ 87(2)(b) (BR 01) stated that when he was placed into the cell an officer pushed him down to his knees and he used an additional set of handcuffs to handcuff his (already handcuffed) hands to the gate.

PO Cordova (BR 04) stated that once § 87(2)(b) was placed into the cell, he began acting belligerent by yelling at the officers with threats, pacing back and forth, and causing panic in another arrestee in the cell. PO Cordova was concerned for the safety of the other arrestee, so he entered the cell and asked § 87(2)(b) to sit on the ground near the gate to hand cuff him to the gate. § 87(2)(b) willingly kneeled near the gate and PO Cordova handcuffed him to the gate. PO Cordova never pushed § 87(2)(b) in any way.

0:00 to 1:06 of PO Cordova's BWC video 3/3 (BR 20) is consistent with PO Cordova's statement. PO Cordova enters the cell, tells § 87(2)(b) to sit down, § 87(2)(b) kneels willingly, and PO Cordova handcuffs him to the gate. At no point is PO Cordova or any other officer seen pushing § 87(2)(b)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 21).
- Sergeant Alberto Pizzaro has been a member of service for seventeen years and has been a subject in twenty other CCRB complaints and fifty-six allegations, of which five were substantiated.
 - 201110628 involved a substantiated allegation of a vehicle stop against Sgt. Pizarro. The Board recommended instructions and the NYPD did not impose any discipline because the statute of limitations had passed.
 - 201310644 involved substantiated allegations of a stop, frisk, search, and physical force. The Board recommended charges. Sgt. Pizarro was found guilty of the stop and frisk and forfeited 6 vacation days.
 - § 87(2)(g)
- Police Officer Ryan Felter has been a member of service for eight years and has been a subject in one other CCRB complaint and two allegations, none of which were substantiated.
- Police Officer Erik Cordova has been a member of service for six years and has been a subject in two other CCRB complaints and three allegations, none of which were substantiated.
- Police Officer Sean Holton has been a member of service for seven years and has been a subject in five other CCRB complaints and nine allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of May 27, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 22).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- _____
- _____
- _____
- _____
- _____

Squad No.: 4

Investigator:	<u>Edward Tsigel</u>	<u>Inv. Edward Tsigel</u>	<u>10/28/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>11/05/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date